

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Defendant Atticus, LLC's unopposed motion to seal documents submitted in connection with Plaintiff's Second Motion to Compel Discovery. Specifically, Defendant moves to seal its response in opposition to Plaintiff's motion and the Declaration of Shannon Russell submitted in support of Defendant's response on the ground they "contain highly confidential information regarding Atticus's private communications, legal concerns, and the identity of a potential business partner with whom Atticus has had other private negotiations for purposes of obtaining legal advice and discussed potential business agreements as a supplier for its active ingredients [and] . . . also identify Atticus's investigation of particular potential sources of azoxystrobin technical that are not disclosed to the public." (Mot. Seal [DE #172] at 1-2.)

For the reasons set forth in Defendant's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Defendant's interests in protecting against competitive and/or financial harm to

Defendant were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of Defendant's request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Furthermore, Defendant has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Defendant's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Defendant's Motion to Seal [DE #172] is GRANTED, and the following documents shall be SEALED:

a. Defendant's Response in Opposition to Plaintiff's Second Motion to Compel Discovery [DE #166]. A redacted version of this filing is attached as Exhibit 1 to the Declaration of Shannon Russell submitted in support of Defendant's motion to seal [DE #174-1]; and

b. Declaration of Shannon Russell [DE #167]. A redacted version of this filing is attached as Exhibit 2 to the Declaration of Shannon Russell submitted in support of Defendant's motion to seal [DE #174-2].

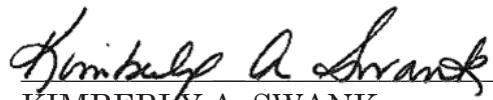
2. The clerk is directed to UNSEAL the following documents unless a motion to seal is filed within seven (7) days of the date this order is entered:

a. Table of Exhibits to the Declaration of Robert J. Scheffel in Support of Defendant's Response in Opposition to Plaintiff's Second Motion to Compel Discovery [DE #170];

b. Exhibit 1 to the Declaration of Robert J. Scheffel in Support of Defendant's Response in Opposition to Plaintiff's Second Motion to Compel Discovery [DE #170-1]; and

b. Exhibit 2 to the Declaration of Robert J. Scheffel in Support of Defendant's Response in Opposition to Plaintiff's Second Motion to Compel Discovery [DE #170-2].

This 26th day of June 2021.



KIMBERLY A. SWANK

United States Magistrate Judge